

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: David H. Hanes

Serial No.: 10/824,242

Filed: April 14, 2004

Docket No.: 200309081-1

Title COMPUTER READABLE MEDIUM AND COMPUTER SYSTEM FOR ACCESSING A  
NETWORKED PERIPHERAL DEVICE

---

**REMARKS**

The following remarks are made in response to the Final Office Action mailed April 29, 2008. Claims 1-48 were rejected. With this Response, claims 1, 13, 24, 33, 38, and 43 have been amended. Claims 1-48 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 101**

The Examiner rejected claims 1-12 and 24-37 under 35 U.S.C. 101 for failing to establish a statutory category of invention.

Amended independent claims 1, 24, and 33 claim statutory subject matter. Furthermore, dependent claims 2-12 further define amended independent claim 1, dependent claims 25-32 further define patentably distinct amended independent claim 24, and dependent claims 34-37 further define amended independent claim 33.

Therefore, Applicant respectfully requests that the 35 U.S.C. § 101 rejection to claims 1-12 and 24-37 be removed and claims 1-12 and 24-37 be allowed.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1-23, 33-37, and 43-48 under 35 U.S.C. § 103 for being unpatentable over the Heil et al. U.S. Patent No. 6,173,374 in view of the Miyoshi et al. U.S. Patent No. 6,901,451.

The Examiner rejected claims 24-32, and 38-42 under 35 U.S.C. § 103 for being unpatentable over the Heil et al. U.S. Patent No. 6,173,374 and the Miyoshi et al. U.S. Patent No. 6,901,451 in view of the Hewitt U.S. Patent No. 5,987,541.

Amended independent claims 1, 13, 24, 33, 38, and 43 include limitations related to redirecting an I/O request by automatically and transparent to the client application conveying an I/O request or command from a client application over a communication network to a remote peripheral device for processing of the I/O request. The combination of the Heil et al. Patent in view of Miyoshi et al. Patent does not teach or suggest these limitations of amended independent claims 1, 13, 24, 33, 38, and 43.

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: David H. Hanes

Serial No.: 10/824,242

Filed: April 14, 2004

Docket No.: 200309081-1

Title COMPUTER READABLE MEDIUM AND COMPUTER SYSTEM FOR ACCESSING A NETWORKED PERIPHERAL DEVICE

---

The Examiner cites the Heil et al. Patent Figure 3 and col. 11, lines 45 to col. 12, line 7 with respect to the drive command module and the redirector as previously recited in claim 1, for example. The referenced language of the Heil et al. Patent discloses that, upon “receiving a block I/O request 400, the 110 redirector has the means to search the directory and determining means to locate the local or remote disk drives that are storing the I/O requested blocks.” (col. 11, lines 48-51) As illustrated by Figure 3 and associated language of the Heil et al. Patent, after the block I/O request (400) is received, the determination is made as to whether the blocks are local (420), and therefore retrieved from the respective local disk drive, or remote (450), and shipped to a remote HBA for processing. In contrast, the above recited limitations of amended independent claims 1, 13, 24, 33, 38, and 43 receive an I/O request from a client application referencing a local peripheral address and redirect the I/O request automatically and transparent to the client application over a communication network to a remote peripheral device for processing of the I/O request.

The Examiner in the Final Office Action interprets the term “automatically,” with respect to conveying the request to a remote peripheral device, as “without any user intervention.” However, Heil discloses that “[p]rior to shipping the I/O block request, communications are established over the Fibre Channel backbone between the initial HBA and the remote HBA.” (col. 11, lines 57-60) Therefore, communication over the network must **first** be established, **then** the I/O block request is sent. In contrast, amended independent claims 1, 13, 24, 33, 38, and 43 recite **automatically and transparent to the client application** conveying the I/O request from the client application over a communication network to a remote peripheral device for processing of the I/O request.

Further, amended independent claims 1, 13, 33, and 43 include limitations related to a **local peripheral address of a peripheral device for processing the I/O request**. The Examiner relies on the Miyoshi et al. Patent for this these limitations. The Miyoshi et al. Patent fails to teach or suggest these limitations.

The Miyoshi et al. Patent, as identified by the Examiner in col. 1, lines 55-57, discloses that a “means for transferring PCI bus transactions from a **local node of a PCI bus** to a PCI bus on a remote node over a network” is needed and provided. (emphasis added) A PCI bus is defined as a “communication path between a central processing unit (CPU) and a

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: David H. Hanes

Serial No.: 10/824,242

Filed: April 14, 2004

Docket No.: 200309081-1

Title COMPUTER READABLE MEDIUM AND COMPUTER SYSTEM FOR ACCESSING A  
NETWORKED PERIPHERAL DEVICE

---

PCI device.” (col. 1, lines 11-13) By substituting the PCI bus definition into the above disclosure of Miyoshi et al. Patent, a means for transferring a communication path transaction from a **local node of a communication path** to a communication path on a remote node over a network is provided. Therefore, Miyoshi et al. Patent discloses communication between local and remote nodes, in contrast to a **local** peripheral address of a **peripheral device** for **processing the I/O request** as recited in amended independent claims 1, 13, 33, and 43.

In view of the above, the Heil et al. Patent in view of the Miyoshi et al. Patent does not teach or suggest all of the limitations of amended independent claims 1, 13, 24, 33, 38, and 43. Furthermore, dependent claims 2-12 further define patentably distinct amended independent claim 1. Dependent claims 14-23 further define patentably distinct amended independent claim 13. Dependent claims 25-32 further define patentably distinct amended independent claim 24. Dependent claims 34-37 further define patentably distinct amended independent claim 33. Dependent claims 39-42 further define patentably distinct amended independent claim 38. Dependent claims 44-48 further define patentably distinct amended independent claim 43. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103 rejection to the claims, and requests allowance of claims 1-48.

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: David H. Hanes

Serial No.: 10/824,242

Filed: April 14, 2004

Docket No.: 200309081-1

Title COMPUTER READABLE MEDIUM AND COMPUTER SYSTEM FOR ACCESSING A  
NETWORKED PERIPHERAL DEVICE

---

**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-48 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-48 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Clare Harnett at Telephone No. (408) 447-0289, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

IP Administration  
Legal Department, M/S 35  
HEWLETT-PACKARD COMPANY  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,

David H. Hanes,

By,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2003  
Facsimile: (612) 573-2005

Date: June 30, 2008

PGB/mlm

/Patrick G. Billig/

Patrick G. Billig

Reg. No. 38,080